

### **Remark**

Applicants respectfully request reconsideration of this application as amended. Claims 1, 9 and 14 have been amended. No Claims have been cancelled. Therefore, claims 1-20 are present for examination.

### **35 U.S.C. §112 Rejection,**

The Examiner has rejected claims 3-5, 11, 12, 16 and 17 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

### **35 U.S.C. §103 Rejection,**

#### ***Kubo in view of Grimwood et al***

The Examiner has rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Kubo, U.S. Patent no. 6,832,326 (“Kubo”) in view of Grimwood et al., U.S. Patent 6,243,369 (“Grimwood”). Kubo shows clock synchronization. As stated in the abstract, the timer value of each processor is adjusted with the measured propagation delay time. Grimwood shows a cable TV system (1:20) in which frequency (or clock rate 8:52) is synchronized and frames are aligned (13:23) for transmissions of video and customer purchase data through coaxial cable.

With respect to Kubo, the Examiner correctly acknowledges with respect to e.g. Claim 1, that Kubo does not teach or suggest the last two elements of determining and sending. The Examiner suggests that Grimwood discloses these two elements.

As to determining a timing offset, Grimwood's timing offset has nothing to do with processor tick counter values. (In brief, Grimwood does not suggest any use of a timing offset for

tick counter values.) The section cited by the Examiner is related to determining a timebase conversion factor (22:42) . The clock ticks referred to in Grimwood are frame counter clock ticks (21:60) and timestamp counter clock ticks (22:3) or timesample clock ticks (22:11). The timebase conversion factor is used to recover upstream data (22:54). So, Grimwood has a timebase conversion factor based on frame counter clocks. Grimwood does not have a timing offset and nothing like the comparison of Claim 1, between processor tick counter values. Accordingly, the cited section does nothing to suggest a timing offset such as that of the present invention.

As to sending the timing offset, this claim element further recites "to apply to operations which are normalized to the timing of the second processing engine." Applicants have carefully reviewed the cited section in Column 3 (Summary of the Invention) as well as Claim 6. In Column 3, the RU synchronizes its clock to the CU. It then transmits upstream data to the CU and the CU receives it using its own CU clock due to the synchronization. There is no timing offset being sent and there are no operations that are normalized to any timing. The clocks are simply synchronized.

In Claim 6, the remote node modem independently arranges its transmission to coincide with the clock frequency, superframe counter and minislot counter of the headend. There is no sending of timing offsets. Further, the sending of data is not normalized to the timing of the second processing engine (the sender). To the contrary, the upstream data is transmitted based on the clock and counter values of the headend (recipient).

Even if "apply to operations" in Claim 1 were construed to mean "demodulated and demultiplexed" (3:9), Grimwood teaches away from the present invention. In Grimwood, the RU receives downstream data, calculates its timespace conversion and frame counter offsets, and adapts its upstream transmissions to the master clock of the CU (headend). The benefit is that the CU can receive the transmission using its own CU clock (3:12 the "suitable phase and amplitude

adjustments" are conventional training techniques). In the present invention, the 1<sup>st</sup> engine sends its tick counter value to the 2<sup>nd</sup> engine and then uses an offset provided by the 2<sup>nd</sup> engine to apply to operations.

In order to make the distinction from Grimwood even more clear, Claim 1, and the other independent claims, have been amended to recite that the timing offset is applied to the execution of instructions.

Summarizing using the example of Claim 1, Claim 1 is believed to be allowable because:

Neither reference suggests comparing tick counter values;

Neither reference suggest determining offsets for tick counter values. (In Kubo, the tick value is written over with the received tick value.);

Neither reference suggests sending a timing offset from one component to another. (In Grimwood, the determined frame offset, frequency corrections etc. are used by the modem that determines them.);

Neither reference suggests applying a timing offset to the execution of instructions.

Giving these significant failings in the cited references, Applicants respectfully submit that the present application is allowable. The rejections of the other claims are not discussed here in the interests of brevity. The claims not discussed herein are believed to be allowable on the above grounds as well as for the additional recitations expressly set forth in each such claim respectively.

### **Conclusion**

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

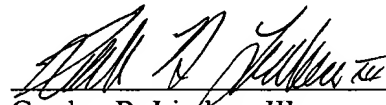
### **Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension. Charge our Deposit Account.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Gordon R. Lindeen III  
Reg. No. 33,192

12400 Wilshire Boulevard  
7th Floor  
Los Angeles, California 90025-1030  
(303) 740-1980